

Alan B. Fabian
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May 14, 2015

Ms. Anna Marie Komisarek
U.S. Bankruptcy Court
Chambers of Hon. James Schneider
101 W. Lombard Street
Suite 9442
Baltimore, MD 21201

**RE: STATUS LETTER
BANKR. CASE NO. 08-27450-JS
ADV. PROC. NO. 14-00893-JS**

Dear Ms. Komisarek:

As ordered by Judge James Schneider at the pre-trial conference on April 16, 2015, this letter provides a status update for this case.

STATUS UPDATE

1. On April 29, 2015, the Tax Court set a trial date in the Tax Case of September 28, 2015. A copy of the notice is attached hereto. The Petitioner, Alan B. Fabian, does not object to the Tax Court resolving the tax determination for 2002, 2003, and 2004.
2. The Petitioner requests that this Court resolve the remaining issues in the Complaint regarding the dischargeability of penalties and the issue of contempt. This could be resolved based on the briefings and/or a hearing by phone.
3. The penalty dischargeability and contempt issues are the purview of the bankruptcy court and will not interfere with the Tax Court's determinations. As outlined in the Petitioner's filings with this Court, the IRS attempted to collect a discharged debt for penalties in violation of the discharge injunction. They have met the conditions for contempt. Further, the law is unambiguous that any penalties for events that transpired more than 3 years prior to the bankruptcy filing (December 31, 2005) are discharged as well.
4. The Petitioner requests this Court to rule on the contempt and penalty dischargeability issues and to permit the Tax Court to address the tax issues.

Respectfully Submitted,

Alan B. Fabian, Pro Se

Cc: *Vassiliki Eliza* PO Box 227
Ms. Economides, US DOJ, Washington, DC 20044



UNITED STATES TAX COURT

Washington, D.C. 20217

April 29, 2015

Alan Brian Fabian,)
)
Petitioner(s),)
)
v.) Docket No. 25589-14.
)
COMMISSIONER OF INTERNAL REVENUE,)
)
Respondent)
)
)
)

Trial At: Courtroom 9B
 United States District Court
 Garmatz United States Cthse
 101 West Lombard Street
 Baltimore, MD 21201

NOTICE SETTING CASE FOR TRIAL

The parties are hereby notified that this case is set for trial at the Trial Session beginning at 10:00 AM on Monday, September 28, 2015. The calendar for that Session will be called at that date and time, and the parties are expected to be present and to be prepared to try the case. Your failure to appear may result in dismissal of the case and entry of decision against you.

The Court will set the time for each trial at the end of the calendar call. In setting trial times the Court attempts to accommodate the parties, but the final determination of trial times rests in the Court's discretion.

Your attention is called to the requirements set out in the Standing Pretrial Order that is served with this notice, including the following:

- **Stipulation of Facts.** If the case cannot be settled, the parties, before trial, **must agree in writing** to all facts and all documents about which there should be no disagreement. The stipulation signed by all parties should be submitted at the calendar call on September 28, 2015.
- **Exchange of Documents.** No later than September 14, 2015, each party must provide to the other all the documents or materials that the party expects to offer into evidence at trial and that are not included in the stipulation.
- **Pretrial Memorandum and Witness Identification.** No later than September 14, 2015, each party must serve on the other party and file a pretrial memorandum that, among other things, **identifies the witnesses** that the party intends to call to testify at trial.

The parties should contact each other promptly and cooperate fully so that the necessary steps can be taken to comply with these requirements. **Your failure to cooperate may also result in dismissal of the case and entry of decision against you.**

Robert R. Di Trolio
 Clerk of the Court